

ASSEMBLY BILL

No. 1022

Introduced by Assembly Member Oropeza

February 20, 2003

An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as introduced, Oropeza. Vehicles: automated enforcement systems.

Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated enforcement system, as defined, if the system meets certain requirements. Existing law limits the authority to operate an automated enforcement system to governmental agencies, in cooperation with law enforcement agencies.

This bill would define the term “operate” for purposes of these provisions and would prohibit a contract between a governmental entity and a manufacturer or supplier of automated enforcement equipment from including provision for the payment or compensation to the manufacturer or supplier based on the number of citations issued as a result of the use of the equipment as authorized under these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21455.5 of the Vehicle Code is amended
2 to read:

1 21455.5. (a) The limit line, the intersection, or ~~other places~~
2 ~~a place~~ designated in Section 21455, where a driver is required to
3 stop, may be equipped with an automated enforcement system if
4 ~~the system meets both~~ governmental entity utilizing the system
5 ~~meets all of the following requirements: (1) the system is identified~~
6 ~~(1) Identifies the system by signs, that clearly indicating~~
7 ~~indicate the system's presence, and are visible to traffic~~
8 approaching from all directions, or if ~~posts~~ signs ~~are posted~~ at all
9 major entrances to the city, including, at a minimum, freeways,
10 bridges, and state highway routes, ~~and (2).~~
11 ~~(2) If it locates the system is located at an intersection that, the~~
12 ~~system meets the criteria specified in Section 21455.7.~~
13 ~~Any city~~
14 ~~(3) Prior to installation, considers and evaluates alternative~~
15 ~~traffic safety strategies for their practicality or likelihood to~~
16 ~~improve safety, or both, including, but not limited to, all of the~~
17 ~~following:~~
18 ~~(A) The use of traditional traffic enforcement measures.~~
19 ~~(B) Improvement of the physical environment at the proposed~~
20 ~~location, including, but not limited to, improved signal placement.~~
21 ~~(C) Changes in the operating parameters of the proposed~~
22 ~~location and its equipment, including, but not limited to, the use~~
23 ~~of an all-red signal display.~~
24 ~~(b) Prior to issuing citations under this section, a local~~
25 ~~jurisdiction utilizing an automated traffic enforcement system at~~
26 ~~intersections shall, prior to issuing citations, commence a program~~
27 ~~to issue only warning notices for 30 days. The local jurisdiction~~
28 ~~shall also make a public announcement of the automated traffic~~
29 ~~enforcement system at least 30 days prior to the commencement~~
30 ~~of the enforcement program.~~
31 ~~Only~~
32 ~~(c) Only a governmental agency, in cooperation with a law~~
33 ~~enforcement agency, may operate an automated enforcement~~
34 ~~system. As used in this subdivision, "operate" includes all of the~~
35 ~~following activities:~~
36 ~~(1) Developing uniform guidelines for screening and issuing~~
37 ~~violations and for the processing and storage of confidential~~
38 ~~information, and establishing procedures to ensure compliance~~
39 ~~with those guidelines.~~

(2) *Performing administrative functions, including, but not limited to, all of the following:*

(A) *Establishing guidelines for selection of location.*

(B) *Ensuring that the equipment is regularly inspected.*

(C) *Certifying that the equipment is properly installed and calibrated, and is operating properly.*

(D) *Regularly inspecting and maintaining warning signs placed under paragraph (1) of subdivisions (a).*

(E) *Overseeing the establishment or change of signal phases and the timing thereof.*

(F) *Maintaining controls necessary to assure that only those citations that have been reviewed and approved by law enforcement are delivered to violators.*

~~(b)~~

(d) (1) Notwithstanding Section 6253 of the Government Code, or any other provision of law, photographic records made by an automated enforcement system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies *and only* for the purposes of this article.

(2) ~~For purposes of this article only, any confidential~~ Confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of this article shall be held confidential, and may not be used for any other purpose.

~~(e)~~

(3) Notwithstanding Section 34090 of the Government Code or any other provision of law, the confidential records and information described in paragraphs (1) and (2) may not be retained for a period longer than six months from the date the information was first obtained, or until final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that will preserve the confidentiality of any person included in the record or information.

(e) Notwithstanding subdivision ~~(b)~~ (d), the registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.

(f) A contract between a governmental entity and a manufacturer or supplier of automated enforcement equipment may not include provision for the payment or compensation to the manufacturer or supplier based on the number of citations issued

1 *as a result of the use of the equipment authorized under this*
2 *section.*

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